REMARKS

Claims 31-49 are pending in the application, with Claims 31 and 41 being independent. As indicated above, Claims 31-49 are newly added and Claims are cancelled without prejudice. It is respectfully submitted that no new matter is added.

In the Office Action:

Claims 11-14 are rejected under 35 U.S.C. §102(b) as being anticipated by *Proctor et al.* (U.S. 5,440,542);

Claims 1-4, 10 and 23 are rejected under 35 U.S.C. §103(a) as unpatentable over *Proctor* in view of *Nagatani et al.* (U.S. Patent 6,097,714);

Claims 5, 7, 8 and 28 are rejected under 35 U.S.C. §103(a) as unpatentable over *Proctor* in view of *Nagatani* and further in view of *Odenwalder et al.* (U.S. Patent 5,909,434);

Claims 15, 20, 21 and 29 are rejected under 35 U.S.C. §103(a) as unpatentable over *Proctor* in view of *Odenwalder*;

Claims 16-18 are rejected under 35 U.S.C. §103(a) as unpatentable over *Proctor* in view of Examiner's Official Notice; and

Claims 19 and 30 are rejected under 35 U.S.C. §103(a) as unpatentable over *Proctor* in view of Examiner's Official Notice and further in view of *Odenwalder*.

However, as indicated above, Claims 1-31 are cancelled without prejudice. Accordingly, the previous rejections are rendered moot.

The new claims of the present application relate to a device and method that generates various length frames and reduces the transmission time and duration time related to the transmission of the frames, and also reduces inherent delays in the transmission of short frames. In the prior art systems, a short frame is transmitted after a long frame has been transmitted, thus creating a problem in that the short frame cannot be transmitted until the long frame has been transmitted, which creates a time delay in the transmission of the short frame. The claims of the present application provide a

device and method for reducing the duration of the time delay for the transmission of the short frame, thus resolving the problems of the prior art systems. *Proctor*, which is the main reference relied upon in the rejections, teaches using equal length frames, and merely provides a method for transmitting frames based on a determined importance of thc data being transmitted. That is, *Proctor* fails to solve the problem of reducing the time delay of a short frame.

Additionally, new Claims 31-49 recite that a data frame having a short length is transmitted first, i.e., transmitting a data frame based on the length of the frame. In view of this, the operation and object of the claimed invention are quite different from those of *Proctor*.

Further, it is respectfully submitted that the Examiner's other cited references fail to cure these deficiencies of *Proctor*.

Accordingly, all of the claims pending in the Application, namely, Claims 31-49, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road, Suite 210E
Melville, New York 11747
Tel: (516) 228-3565
Fax: (516) 228-8475